IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 23RD MAY 2007 / 2ND JYAISHTA 1929

Crl.Rev.Pet.No. 1806 of 2007()

CRA.297/2005 OF THE SESSIONS COURT, MANJERI
CC.403/2002 of JUDL. MAGISTRATE OF FIRST CLASS, MALAPPURAM

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REVN. PETITIONER: APPELLANT/ACCUSED

P.MUHAMMED @ MUHAMMDALAI,
S/O.ABDULLAKUTTY, PILATHODAN HOUSE,
KANHIRATTUKUNNU, MANJERI POST,
ERNAD TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS: COMPLAINANT & STATE

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1. PARAKKAL MOHAMMED,
S/O.MOHAMMED HAJI, IRRIKOTHUPARAMBA, MONGAM,
MALAPPURAM DISTRICT.

2. THE STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

R2 BY PUBLIC PROSECUTOR SRI C.M. KAMMAPPU.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 23/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRLR.P. NO. 1806 of OF 2007

Dated , 23rd May, 2006

ORDER

The revision petitioner stands convicted for the offence under section 138 N.I.Act and sentenced to undergo simple imprisonment for four months and to pay a compensation of Rs.34,500/- vide section 357(3) Cr.P.C and in default to undergo simple imprisonment for two months more. The contentions of the revision petitioner/accused are that the cheque was stolen and misused by the complainant and that no lawyer notice was sent in the correct address.. On a consideration of the evidence adduced in the matter, I find that the decision of the courts below are based on proper appreciation of evidence and there are no grounds to interfere.

2. All the same, considering the plea of the counsel for the petitioner, the sentence is modified to imprisonment till the rising of the court. The rest of the sentence is confirmed. Four months time from today onwards is granted to pay the amount of compensation.

The petitioner shall appear before the JFCM-I, Malappuram on 25-9-2007 to receive the sentence.

The Crl.R.P is disposed of accordingly.

(K.R.UDAYABHANU)

JUDGE.

kvm/-